

D.B. CIVIL SPECIAL APPEAL (W) NO.143/2007
(Dinesh Vaishnav Vs. Mst. Annu Bai & Ors.)

DATE OF ORDER : 10.08.2007

HON'BLE MR. JUSTICE P.B. MAJMUDAR
HON'BLE MR. JUSTICE DEO NARAYAN THANVI

Mr. Manish Shishodiya for the appellants.

This Special Appeal is directed against the order dated 14.11.2006 passed by the learned Single Judge, by which, the learned Single Judge has dismissed the writ petition, which was filed against the interlocutory order of the Workmen's Compensation Commissioner. Before the Workmen's Compensation Commissioner, the present appellants submitted an application for amendment of the written statement. The Workmen's Compensation Commissioner found that the facts stated in the amendment application are already part of the document. The fact whether the workman has died due to rail accident or otherwise is required to be proved by evidence and court has to consider this aspect as per record. There is no necessity to amend the written statement. Even as per the evidence on record, if question of jurisdiction arises, the same shall be decided on the basis of material available on record.

No interference is called for by this Court in the order of the learned Single Judge. Accordingly, the Special Appeal stands dismissed in limine.

(DEO NARAYAN THANVI), J.

(P.B.MAJMUDAR), J.

ms rathore